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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,703	02/14/2002	Oliver Roche	4278/PCT	7588

21553 7590 04/22/2003

FASSE PATENT ATTORNEYS, P.A.  
P.O. BOX 726  
HAMPDEN, ME 04444-0726

EXAMINER

JACKSON, SUZETTE JAMIE

ART UNIT	PAPER NUMBER
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3738

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/049,703	ROEHE ET AL.	
	Examiner	Art Unit	
	Jackson J Suzette	3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 10, 17, 21, 24, 25, 27 and 31 is/are rejected.
- 7) ☒ Claim(s) 11-16, 19, 22, 26 and 28-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
    If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
    1. ☐ Certified copies of the priority documents have been received.  
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
    \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
    a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *self-locking guide parts and the bayonet lock fastener* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-10, 24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Barone et al. 4,705,516 which discloses the invention as claimed noting figures 1 comprising: an adapter element with a ring-shaped body ((b', 22) and an annular adapter flange projecting from the adapter body (30); and a receiver element (b, 20) with a ring-shaped receiver body and an annular receiver flange projecting from the receiver body (24); wherein the adapter element is adapted to be connected to an implant (c); the receiver element is adapted to be connected to a

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human organ (5), and the adapter element and the receiver element are adapted to be connected to each other (col. 3, lines 1-11).

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barone et al. in view of Buchanan et al. 6,074,418. Barone et al. has been disclosed above noting figure 1 however Barone et al. does not teach a bayonet lock fastener components. Buchanan et al. teaches two annular components for use with heart valves that utilize bayonet locking mechanisms (see col. 9, lines 65-67 to col. 10, lines 1-4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the invention of Barone et al. and utilize the bayonet locking mechanisms of Buchanan et al. because it would prevent disconnection of the adapter and receiver during movement of the heart muscle.

7. Claims 21, 25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barone et al. in view of Williams et al. 5,628,781. Barone et al. has been disclosed above with regards to claims 9-10, 24 and 27 however Barone et al. does not teach a coating layer of living cells covering the surface of the implant and adapter. Williams et al. teaches coating prosthesis including heart valves with endothelial cells and amines (see col. 5, lines 18-24 and 65-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to coat the implant and adapter of Barone et al. with the cells as taught by Williams

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because to would further promote tissue adherence of the implant to the surrounding tissue and prevent rejection of the foreign body to the heart muscle.

*Allowable Subject Matter*

8. Claims 11-16, 19, 22, 26 and 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

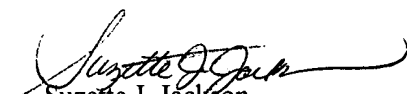
*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Griffin et al. 6,241,765 ; Buchanan et al. 6,176,877 ; Magovern et al. 6,106,550 ; Ritz 5,976,183 ; Caudillo et al. 5,823,342 ; Shepherd et al. 5,776,188 ; and Eberhardt et al. 5,406,857 all show related material.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzette J. Jackson whose work schedule is Monday-Friday 9-6:30 off every other Friday and whose telephone number is 703-308-6516.

11. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3580.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

  
Suzette J. Jackson  
15 April 2003